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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 97-232-C - ORDER NO. 97-681
AUGUST 8, 1997

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IN RE: Application of Intellicall Operator) ORDER
Services, Inc. and WorldCom, Inc.) APPROVING
DBA LDDS WorldCom for Approval of) TRANSFER OF
a Transfer of Assets from WorldCom) ASSETS
to Intellicall.)

This matter comes before the Public Service Commission of South Carolina ("the Commission") on the Petition of Intellicall Operator Services, Inc. ("IOS") and WorldCom, Inc. d/b/a LDDS WorldCom ("WorldCom") (hereinafter collectively referred to as "Petitioners") requesting approval of the transfer of selected assets from WorldCom to IOS. The assets to be transferred include certain network and other associated assets utilized by WorldCom in its provision of operator-assisted services and certain contractual rights pertaining to the provision of operator services from aggregator locations. The Petition was filed pursuant to S.C. Code Ann. §58-9-310 (Supp. 1996).

The Commission's Executive Director instructed the Petitioners to publish a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Petition. The purpose of the Notice of Filing was to inform interested parties of the Petition and of the manner and time in which to file comments or pleadings for participation in this proceeding. The

Petitioners complied with this instruction and submitted affidavits of publication. No protests or Petitions to Intervene were received by the Commission.

The Petition explained the proposed asset transfer. The Petition states that the transfer to IOS will result only in a change of ownership and will have no adverse effect on the customers in South Carolina. Further, the Petition asserts that the transfer will be undertaken in a seamless fashion that will not affect the provision of intrastate services. Both IOS and WorldCom are authorized to provide resold telecommunications services in South Carolina, and both companies will continue to provide telecommunications services after the transfer. According to the Petition, the transfer involves only selected assets relating to the provision of operator services, including inmate telephone services in South Carolina.¹

S.C. Code Ann. §58-9-310 (Supp. 1996) requires "due hearing" for asset transfers. The Petitioners submitted verified testimony of B. Reid Presson, to the Commission. There are no other parties to the proceeding. The Commission holds that the due hearing requirement may be satisfied in this instance by the Commission's consideration of the verified testimony and Petition at its regularly scheduled meeting of July 29, 1997.

1. IOS has filed revised tariff pages for Commission approval. IOS's revised tariff pages contain the new service offering of inmate telephone services. Upon approval of the new service offering, IOS will be authorized to provide inmate telephone services in South Carolina.

According to the sworn testimony of Mr. Presson, IOS has been providing quality telecommunications services in South Carolina since the Commission granted IOS operating authority, and IOS will continue to provide quality service under its operating authority. Mr. Presson also testified that IOS possesses the managerial and financial ability to adequately provide operator telecommunications services in South Carolina. Mr. Presson stated that approval of the asset transfer will not require alteration of any authorities already in place. Mr. Presson offered that approval of the asset transfer is in the public interest because through the transfer WorldCom customers will begin to receive the quality telecommunications services for which IOS has become known throughout the United States.

Upon review and consideration of the Petition, the evidence of record, and the applicable law, the Commission makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. IOS is a Delaware corporation that operates as a reseller of telecommunications services and operates in South Carolina pursuant to authority issued by this Commission in Docket No. 92-618-C, Order No. 93-250 (March 30, 1993) and Docket No. 94-030-C, Order No. 94-190 (March 8, 1994).

2. WorldCom is a Georgia corporation which provides operator services in South Carolina, having received authority from this Commission to provide operator services in Docket No. 88-580-C, Order No. 89-78 (January 19, 1989).

3. IOS has entered into an agreement with WorldCom under which IOS will purchase certain assets used by WorldCom to provide operator services.

CONCLUSIONS OF LAW

1. The asset transfer described by the Petition is in the public interest.

2. The asset transfer as described by the Petition is hereby approved.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)